

SAO
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UNITED STATE DISTRICT COURT

DISTRICT OF NEVADA

FRANCISCA ABAD TREJO, an
individual; REYES VILLAMAR-ORTIZ,
an individual;

Plaintiffs,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign
business entity; DOES I through X,
inclusive, and ROE CORPORATIONS I
through X, inclusive,

Defendants.

CASE NO.: 2:22-cv-00754-EJY

**STIPULATION AND ORDER TO EXTEND DISCOVERY
(FIRST REQUEST)**

Plaintiffs Francisca Abad Trejo and Reyes Villamar-Ortiz, by and through their attorneys, Maria Loventime U. Estanislao, Esq., of D.R. Patti & Associates, and Defendant State Farm Mutual Automobile Insurance Company, by and through its attorneys, Robert W. Freeman, Esq., and Cheryl A. Grames, Esq., of Lewis Brisbois Bisgaard & Smith, hereby stipulate and agree as follows and request for an order extending the period for completion of discovery for a period of ninety (90) days to and including March 20, 2023.

1 1. On April 7, 2022, Plaintiffs brought suit in the Eighth Judicial District Court
2 alleging breach of contract and breach of the implied covenant of good faith and fair dealing
3 against Defendant relating to their claims under their uninsured (UIM) automobile policy.
4 Defendant subsequently removed the same to the United States District Court for the District of
5 Nevada on or about May 12, 2022.

6 2. The parties submitted the Stipulated Discovery Plan and Scheduling Order on or
7 about July 6, 2022, which was approved by this court on July 6th, 2022, and provided the
8 following discovery schedule:

9 Close of discovery: December 19, 2022

10 Deadline to amend pleadings, add parties: September 20, 2022

11 Deadline for Expert Disclosures: October 20, 2022

12 Deadline for Rebuttal Disclosures: November 18, 2022

13 Deadline for dispositive motions: January 18, 2022

14 Deadline for Pretrial Order: February 17, 2023

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16 3. The parties are requesting this extension of discovery to allow the parties to
17 engage in private mediation with Judge David Barker (ret.). Unfortunately, the earliest available
18 mediation date for Judge Barker is January 4, 2023. Plaintiff is presently scheduled to take the
19 deposition of Defendant's expert; in the interest of minimizing costs to facilitate settlement,
20 Plaintiff will reschedule the deposition of Defendant's expert for a date after the mediation.

21 4. **Discovery Completed:** The parties have completed the following:

- 22 a. Plaintiffs' Initial FRCP 26(a)(1) Disclosures – 6/28/2022
- 23 b. Plaintiffs' First Supplement to FRCP 26(a)(1) Disclosures – 8/22/2022
- 24 c. Plaintiffs' Second Supplement to FRCP 26(a)(1) Disclosures – 9/1/2022
- 25 d. Plaintiffs' Third Supplement to FRCP 26(a)(1) Disclosures – 9/15/2022
- 26 e. Plaintiffs' Fourth Supplement to FRCP 26(a)(1) Disclosures – 10/19/2022
- 27 f. Plaintiffs' Expert Disclosures – 10/19/2022
- 28 g. Plaintiffs' First Set of Requests for Production – 10/14/2022
- h. Plaintiffs' First Set of Interrogatories – 10/14/2022

- i. Defendant's Initial Disclosures of Documents and Witnesses – 8/1/2022
- j. Defendant's Designation of Expert Witness – 10/20/2022
- k. Defendant's Designation of Rebuttal Expert Witness – 11/18/2022
- l. Defendant's First Set of Interrogatories to Francisca Abad – 8/2/2022
- m. Defendant's First Set of Interrogatories to Reyes Villamar-Ortiz – 8/2/2022
- n. Defendant's First Set of Requests for Production to Francisca Abad – 8/2/2022
- o. Defendant's First Set of Requests for Production to Reyes Villamar-Ortiz – 8/2/2022
- p. Plaintiff Abad's Answers to Defendant's First Set of Interrogatories – 9/15/2022
- q. Plaintiff Abad's Responses to Defendant's First Set of Requests for Production – 9/15/2022
- r. Plaintiff Villamar-Ortiz's Answers to Defendant's First Set of Interrogatories – 9/15/2022
- s. Plaintiff Villamar-Ortiz's Responses to Defendant's First Set of Requests for Production – 9/15/2022
- t. Defendant's Answers to Plaintiff Abad Trejo's First Set of Interrogatories – 11/20/2022
- u. Defendant's Responses to Plaintiff Abad Trejo's First Set of Requests for Production – 11/20/2022
- v. Plaintiff Abad Trejo's deposition
- w. Plaintiff Villamar-Ortiz's deposition
- x. Defense medical examination of Plaintiffs Francisca Abad Trejo and Reyes Villamar-Ortiz on 9/22/2022

5. Discovery Remaining to be Completed by the Parties:

- a. Deposition of Defendant's Designated Expert, Dr. Fish

- b. Deposition of 30(b)(6) representative for Defendant State Farm
- c. Deposition of Plaintiffs' expert, Dr. Thomas Dunn
- d. Depositions of Plaintiff's treating physicians

6. **Proposed Schedule for the Completion of Discovery:**

- a. Close of discovery: Monday, March 20, 2023
- b. Deadline to amend pleadings, add parties: closed
- c. Deadline for Expert Disclosures: closed
- d. Deadline for Rebuttal Disclosures: closed
- e. Deadline for dispositive motions: Wednesday, April 19, 2023
- f. Deadline for Pretrial Order: Friday, May 19, 2023

7. To the best of counsels' knowledge, no orders scheduling the requirement of preparation of jury instructions, calendar call, or trial date have been issued by the court. The parties do not seek this extension to unduly delay these proceedings and believe good cause exists to support this brief extension of the discovery deadlines.

DATED this 9th of December, 2022.

LEWIS BRISBOIS BISGAARD &
SMITH

/s/ Cheryl A. Grames, Esq.

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DATED this 9th of December, 2022.

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IT IS SO ORDERED.



U.S. MAGISTRATE JUDGE

Dated: December 12, 2022